

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8845

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E.O. 11652: N/A

TAGS: PINT, RP

SUBJECT: MARCOS BROADENS POWERS OF MILITARY COURTS

REF: MANILA 12013 (7 OCT 74)

1. ON OCT 23 MALACANANG ANNOUNCED THAT TO QUOTE CHECK THE UPSURGE OF CRIMES INVOLVING ILLICIT DRUGS, SWINDLING, ROBBERY AND MURDER, UNQUOTE PRESIDENT MARCOS HAD PLACED THEM AGAIN UNDER THE EXCLUSIVE JURISDICTION OF MILITARY TRIBUNALS. UNDER GENERAL ORDER 54 MILITARY COURTS ONCE MORE HAVE JURISDICTION OVER (A) ALL CASES INVOLVING VIOLATIONS OF DANGEROUS DRUGS ACT, (B) ALL CASES INVOLVING SWINDLING (ESTAFA) WHEN COMMITTED ON A LARGE SCALE OR BY A SYNDICATE, (C) ALL ROBBERY CASES WHEN HOMICIDE AND/OR PHYSICAL INJURIES ARE COMMITTED, (D) ALL CASES INVOLVING MURDER, WHEN COMMITTED BY A BAND OR SYNDICATE. AT SAME TIME, PRESIDENT ISSUED PRESIDENTIAL DECREE 818, INCREASING PENALTIES FOR SWINDLING COMMITTED BY MEANS OF BAD CHECKS.

2. EXPANSION OF MILITARY COURTS' JURISDICTION COMES JUST A LITTLE MORE THAN A YEAR AFTER PRESIDENT, IN WIDELY PUBLICIZED MOVE, TRANSFERRED JURISDICTION FOR THESE CRIMES FROM MILITARY TO CIVILIAN COURTS. DEPARTMENT WILL RECALL (REFTEL) THAT EDITORIAL COMMENT AT LIMITED OFFICIAL USE

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THAT TIME SUGGESTED GOVERNMENT WAS NOW RELYING LESS

ON MILITARY AND MORE ON CIVILIAN AUTHORITIES TO TRANSACT  
ITS BUSINESS.

3. IRONICALLY, EXPANSION OF MILITARY TRIBUNALS' POWERS,  
WHICH FRONT-PAGE NEWS IN ALL MANILA DAILIES OCT 24,  
CAME AT VERY TIME GUIDED PRESS TRUMPETING 5TH UN  
CONGRESS ON PREVENTION OF CRIME AND TREATMENT OF  
OFFENDERS' ALLEGED APPROBATION OF VITAL REFORMS  
INITIATED BY GOP IN PEACE AND ORDER FIELD.

COMMENT: PRESIDENT'S TRANSFER OF CERTAIN CATEGORIES  
OF CRIME TO CIVILIAN COURTS IN OCT 1974 WAS ESSENTIALLY  
COSMETIC EXERCISE, SINCE HE COULD STILL REFER CRIMES  
TO MILITARY TRIBUNALS IF HE FELT IT NECESSARY. IT IS  
SIGNIFICANT, HOWEVER, THAT MARCOS THOUGHT IT NECESSARY  
TO AGAIN BROADEN THE JURISDICTION OF THE MILITARY  
TRIBUNALS AT THE EXPENSE OF THE CIVIL JURISDICTION.  
LEAD ARTICLE IN BULLETIN TODAY STATED FLATLY  
MARCOS TOOK THIS ACTION BECAUSE HE WAS QUOTE ALARMED  
AT THE SOARING CRIME RATE. UNQUOTE WHILE THIS IS  
TRUE, PRESIDENT MIGHT ALSO HAVE FELT COMPELLED TO  
INDICATE HIS CONTINUING CONFIDENCE IN MILITARY AT A  
TIME WHEN THEIR CREDIT AT LOW EBB BECAUSE OF MILITARY  
QUOTE PURGE UNQUOTE AND INVOLVEMENT OF CERTAIN MILITARY  
IN RECENT CRIMES. PRESIDENT'S APPLICATION OF  
QUOTE CONSTITUTIONAL AUTHORITARIANISM  
UNQUOTE HAS ALWAYS BEEN PRAGMATIC. AT THIS STAGE,  
HE IS EMPHASIZING AUTHORITARIAN NATURE OF HIS REGIME.

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